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March 8, 2018

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington DC 20554

RE: Docket 17-264
Notice of Ex Parte Communication

Dear Ms. Dortch:

On March 7, 2018, Andrew Jay Schwartzman, Angela Campbell, and Yuan Tian of the Institute for Public Representation, Yosef Getachew of Common Cause, and Francella Ochillo of the National Hispanic Media Coalition, met with staff of the Media Bureau to discuss the public notice requirement for broadcast applications addressed in Docket 17-264. A complete list of meeting attendees is provided in Attachment A.

In the meeting, the public interest representatives presented the following arguments

1. As discussed in the December 29, 2017 Comments of UCC, *et al.*, online notice alone is insufficient to allow full public participation in licensing matters. Members of the public generally are not aware of their right to comment on and challenge broadcast license applications, so they would not check either the Commission's website or any broadcast station's website without adequate public notice through other means. Even if they do, the current online disclosure system makes it difficult for the public to navigate and locate the information they need. On-air announcement is necessary to inform members of the public of their right to comment on or to object a pending application, and to advise on how to obtain more information.
2. The public notice should also provide adequate information to effectively engage public participation. Mr. Schwartzman pointed out that Commission's public notices do not contain sufficient and comprehensible information that ensures the public's awareness of the pendency of applications of interest. He provided the attached letter to the Chairman dated February 3, 2015 and noted that an application for five waivers of the newspaper/broadcast cross-ownership rule is buried in the 12-page notice contained in Attachment B of the letter. As demonstrated by the footnote 6 of

* Admitted to the California bar. Supervised by a member of the DC bar.

the February 3, 2015 letter, public interest groups have argued for many years that public notices do not provide sufficient information for meaningful public participation. The public interest representatives also urged the Commission to adopt concise and clear language instead of using complex and technical jargons in the notice.

3. Noting that local TV ownership have been weakened, the parties reiterated their longstanding request that when proposed transactions involve a waiver of FCC ownership rules and when such applications are amended, the Commission should issue an additional, separate notice announcing the filing of such an application or amendment. They stressed that such a change is essential, but that it could not be a substitute for effective local on air announcements and notice either by newspaper advertisement or online.

4. There are practical ways to implement a combination of on-air and online notice without imposing undue burden on the broadcasters. For example, as in the license transfer context, the Commission could require the licensee to make a short on-air announcement that this station is acquired by another party and disclose the URL address through which the public could find the applications and other necessary information.

5. With respect to Comments of the National Association of Broadcasters (“NAB”) in MB Docket No. 17-264 claiming that the low number of petitions to deny license renewal filed shows that there is little need for public access, Mr. Schwartzman explained that the NAB was ignoring petitions to deny assignment and transfers, which happen at all times, not just once every eight years, and are much more important because those are the proceedings where consolidation occurs. More importantly, the NAB’s argument misperceives the point of having public access to renewal applications. As explained in the Comments of UCC, *et al.*, it has been fundamental ommission policy for decades that the goal of making applications available to the public is to facilitate licensee-citizen dialogue so that broadcasters can make changes responsive to public need and thereby minimize and, hopefully, obviate the need for filing a petition to deny. There are likely scores of instances in which such dialogue took place for every application which was challenged by means of a petition to deny. The fact that there are relatively few petitions to deny renewal is a sign of the success of public access, not a reason to restrict it.

Respectfully Submitted,

/s/ Angela J. Campbell

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ATTACHMENT A

Meeting Attendees

FCC Media Bureau Staff

Albert Shuldiner, Chief, Audio Division

Martha Heller, Chief, Policy Division

David Brown, Deputy Division Chief, Video Division

Mary Beth Murphy, Deputy Bureau Chief, Office of the Bureau Chief

Shaun Maher

Raelynn Remy

Common Cause Staff

Yosef Getachew

National Hispanic Media Coalition Staff

Francella Ochillo

IPR Staff

Andrew Jay Schwartzman

Angela Campbell

Yuan Tian

ATTACHMENT B



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February 3, 2015

Chairman Thomas Wheeler
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: MB Docket 07-294
MB Docket 09-182
MB Docket 14-50

Dear Mr. Chairman:

We are writing to call your attention to a very troubling action by the Media Bureau and to ask you to take immediate action to insure that this does not happen again.

On December 4, 2014, we discovered through happenstance that on November 26, 2014, the Media Bureau issued an order denying a request for a permanent waiver of the newspaper/broadcast cross-ownership (NBCO) rule to permit the transfer of five FM radio stations and a daily newspaper in Virginia. Although no party opposed the assignment of the licenses, the Bureau found that the applicants failed to make a showing required for a permanent waiver, and thus granted a 12 month temporary waiver to facilitate divestiture so as to come in compliance with the NBCO rule.¹ This order was not listed in the Commission's Daily Digest or posted on the Commission's "recent releases" page. It was not given a "DA" number, which would have enabled it to be searched in the Commission's EDOCS system. It was not indexed in

¹ *Letter to Stephen Haltzell, Esq.*, File BALH-20140611ACJ (MB Audio Div., November 26, 2014). A copy of that order is attached as Exhibit A.

* DC bar membership pending.
Practice supervised by members of the DC bar.

the Commission's Freedom of Information Act Index for 2014.² Nor has the order been published in the FCC Record or in privately-published reporters, such as Westlaw, Lexis or Bloomberg BNA.³

The failure to publish this decision violates the Freedom of Information Act. Section 552(a)(2)(B) requires that the text of all "final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases," be published or that such actions be indexed and the text made available for public inspection in an agency reading room or online.

Failure to publish the decision offends the basic principle of administrative law that an agency should publish its substantive decisions so that stakeholders have equal access to the agency's precedents. Public interest groups have long complained that the Media Bureau has created a body of secret law known and shared by practitioners who represent licensees but unavailable to the public interest community.⁴ Because this Order was not published nor even included in the

²The Commission's index for 2014 was viewed at http://transition.fcc.gov/Document_Indexes/2014_annual_index.html.

³ On December 5, 2014, staff provided us with a copy of the November 26 Order. As of that date, the Order was not available on the CDBS system. At some time thereafter, the Order was posted on the CDBS system, but only the most persistent and experienced user could locate it. Although 4 stations were involved in the transaction, only the CDBS listing for the "lead station" arbitrarily selected by the Media Bureau provides access to the application and the request for waiver. Thus, anyone who sought information for one of the other three stations would receive a false message that no applications had been filed or acted upon. Assuming one selected the correct station and knew that such an order existed, she could go to the CDBS "Public Access Page," (Exhibit B, page 1), insert the call letters or Facility Identifier number, locate the appropriate application from a long list (Exhibit B, page 2), click on "Info" to return a search (Exhibit B, page 3), then select the "View Correspondence" option, which returns two results (Exhibit B, page 4). One of those is "Imported Letters"; it shows that there is an otherwise unidentified entry dated November 26. Only if one clicks on that entry can one obtain access to the November 26 Order.

⁴ See, e.g., Letter from Angela J. Campbell, Counsel for Media Counsel Hawai'i to Marlene H. Dortch, Ex parte communication regarding Application for Review of KHNL/KGMB License Subsidiary, LLC, DA 11-1938, at 5 ("MCH's experience in challenging the SSA revealed a problematic dynamic between the Media Bureau and the broadcast industry that it is charged with regulating. The attached email exchange between counsel for the television stations and the Chief of the Video Division came to light only because of MCH's complaint. The email memorializes a call between counsel for the television stations and the Chief of the Video Division and asserts that the transaction complied with all FCC rules and past precedent and was not subject to FCC action or approval. It also invited the Chief to contact counsel for the television stations if she wanted more information. We do not think it is in the public interest for the Bureau to implicitly authorize such agreements without public knowledge or input. Given the large number of sharing arrangements, we do not believe that this was an isolated instance.

Daily Digest, stakeholders would have no way to learn of this decision.

Publication of agency decisions provide assurance to the public that similarly affected parties are treated in the same way. Indeed, the November 26 Order demonstrates that the Media Bureau has afforded different treatment to a small licensee than it has to a large broadcaster, Fox Television.⁵ Because the Bureau's decision regarding Fox is the subject of a pending application for review by the full Commission, we will address the relevance of the November 26 Order to the proceeding in a separate pleading filed in the appropriate docket.

In addition, the failure to publish the Bureau's decision highlights another long-standing problem with the way the Bureau handles waiver requests. Here, not only was the Bureau's decision not published, but there was no public notice that a waiver had even been requested. For at least 10 years, public interest groups have repeatedly complained in meetings, comments and briefs that the Commission should insure that members of the public have notice of requests for waivers of the Commission's ownership rules.⁶ The Commission's only response has been the wholly inadequate promise that it would, in the future "flag such applications in its public notices as seeking waiver of the newspaper/broadcast cross-ownership rule pursuant to Section 73.3555(d) of the Commission's rules."⁷

Notwithstanding that commitment, the Commission did not flag the applications to transfer the Virginia radio stations to indicate that a waiver had been requested. As shown in Exhibit C, the Commission's June 17, 2014 "Broadcast Applications Notice," simply lists one of the five applications as having been accepted for filing on page two of a 13 page notice.⁸ Moreover, notwithstanding public interest groups' requests for local public notice that an application included a waiver request, this is still not required, and evidently no notice was given in this case. In light of this, it is hardly surprising that no petitions to deny were filed.

Rather, over time, the Bureau has essentially created unwritten rules known only to broadcast counsel." (Jan. 29, 2014).

⁵ See *Fox Television Stations, Inc. Application for Renewal of License of WWOR-TV, Secaucus, New Jersey & Application for Renewal of License of WNYW(TV), New York, New York*, 29 FCC Rcd 9564 (2014), *applications for review pending*. (Media Bureau renewed WWOR's license and granted Fox a waiver of the NBCO rule that will last until *after* the Commission completes its 2014 Quadrennial Review of the broadcast ownership rules and the revised rules take effect).

⁶ See, e.g., Comments of Office of Communication of the United Church of Christ, Inc., *et al.*, Docket 05-06 (August 1, 2005), p. 8; Comments of Office of Communication of the United Church of Christ, Inc., *et al.*, Docket 06-121 (October 23, 2006), p. 73; Comments of Office of Communication of the United Church of Christ, Inc., *et al.*, Docket 09-182 (November 20, 2009), pp. 8-10; Brief of Prometheus Radio Project et al., 3d Cir. No. 08-3-78 et al., at 33-36 (Sept. 21, 2010).

⁷ 2006 *Quadrennial Review*, 20 FCC Rcd 20103, 20151 (2008).

⁸ The notice does not state that this was the lead application for a five station transaction. Thus, members of the public attempting to check the applications filed by searching the CDBS listings for any of the other stations that were part of the same transaction would have found nothing indicating that any such applications had even been filed.

In addition, although the Media Bureau's order makes no mention of it, and no public notice was issued, the waiver request was amended on July 14, 2014. Whatever waiver request might have been initially filed has not been retained on the Commission's CDBS system. This omission is extremely significant. First, it is unlikely that any interested member of the public could have found out about the amendment in time to file a petition to deny because the amendment was filed only three days before petitions to deny would have been due. Second, the amendment may be a reflection of the Media Bureau's practice of creating a body of secret law by negotiating changes in applications without the knowledge of the public.

The only public notice that the Media Bureau had granted the applications was the routine listing in the on pages 2 and 5 of the Commission's "Broadcast Actions" notice on December 2, 2014, attached as Exhibit D. As with the earlier public notice, the listing is not differentiated in any way from all the other actions listed in the notice; there is no indication that a waiver had been requested or granted.

These unlawful practices are incompatible with your commitment to transparency and efficiency. We wish to stress that we are certain that they are not the product of rogue staff members not following agency policy. To the contrary, line staff have always demonstrated a willingness to assist members of the public in every way they can. Rather, we believe they reflect policies and practices established and perpetuated by the Media Bureau leadership over many years. It is time for them to be revised.

In light of these circumstances, we ask you to address the following questions:

1. Did anyone in the Office of the Chairman review or approve the November 26 Order?
2. Did anyone in the Office of the Chairman approve the issuance of the November 26 Order without publishing it or listing it in the Daily Digest?
3. Who is the highest ranking person in the Commission who approved issuance of the November 26 Order without publication?
4. Will you instruct the Media Bureau to comply with the Commission's 2008 directive that it issue individual public notices of any application requesting waivers of the Commission's broadcast multiple ownership rules, including information about the specific waivers that have been requested?
5. Will you instruct the Media Bureau to publish the text of all letters, orders or other documents or taking action upon requests for waivers of the Commission's broadcast multiple ownership rules and list such actions in the Commission's Daily Digest?
6. Will you instruct the Media Bureau that all communications with applicants which have requested waivers of the Commission's broadcast multiple ownership rules in which the staff requests or suggests modifications or amendments to the applications be posted on the Commission's website and be made available for public inspection?

7. Will you instruct the Media Bureau, that when amendments to requests for waiver of the Commission's broadcast multiple ownership rules are filed, it should insure that prior filings by the applicant will remain available on the Commission's website for public inspection?
8. What is the status of plans to replace or revise the CDBS system, and will steps be taken to insure that any replacement system will be more accessible to members of the general public rather than just to experienced practitioners?

Because of the troubling nature of the problems demonstrated in this incident, we ask that you move promptly and decisively to address them.

Sincerely,

/s/

Angela J. Campbell

/s/

Andrew Jay Schwartzman

cc. All Commissioners
Maria Kirby
Gigi B. Sohn
Diane Cornell

Exhibit A



**Federal Communications Commission
Washington, D.C. 20554**

November 26, 2014

In Reply Refer to:
1800B3-CEG

Stephen Hartzell, Esq.
Brooks, Pierce et al.
P.O. Box 1800
Raleigh, NC 27602

Robert D. Primosch, Esq.
Wilkinson Barker Knauer, LLP
2300 N Street NW
Washington, D.C. 20037

In re: **WFLS-FM, Fredericksburg, Virginia**
Facility ID No. 65641

WNTX(AM), Fredericksburg, Virginia
Facility ID No. 65640

WVBX(FM), Spotsylvania, Virginia
Facility ID No. 22484

WWUZ(FM), Bowling Green, Virginia
Facility ID No. 55174

W246BS, Fredericksburg, Virginia
Facility ID No. 142774

Lead File No. BALH-20140611ACJ

Assignment of Licenses

Dear Counsel:

We have before us the above-referenced application ("Application") seeking approval for the proposed assignments of the licenses for Stations WFLS-FM, Fredericksburg, WNTX(AM), Fredericksburg, WVBX(FM), Spotsylvania, WWUZ(FM), Bowling Green, and W246BS, Fredericksburg, all Virginia, from VA Newspaper Debtor Co. (formerly known as Free Lance-Star Publishing Co. of Fredericksburg, VA, Debtor-in-Possession) ("VND") to Free Lance-Star License, Inc. ("FLS").¹ The period for filing petitions to deny has run and the Application is unopposed. As set forth in greater detail

¹ For convenience, we refer to Free Lance-Star Publishing Co. of Fredericksburg, VA, Free Lance-Star Publishing Co. of Fredericksburg, VA, Debtor-in-Possession, and VA Newspaper Debtor Co. collectively as "VND."

below, we grant the Application conditioned upon FLS coming into compliance with the newspaper/broadcast cross-ownership (“NBCO”) rule within twelve months of the release of this decision letter. We do not anticipate granting extensions of this period.

Background. The current licensee, VND, owns the *Free Lance-Star* daily newspaper as well as the stations listed above. The NBCO rule prohibits common ownership of a daily newspaper and a full-power broadcast station (AM, FM, or TV) if the station's service contour encompasses the newspaper's city of publication.² In this case, the predicted 1 mV/m contours of FM Station WFLS-FM and the 2 mV/m contour of AM Station WNTX (“Stations”) encompass Fredericksburg, Virginia, the city in which the *Free Lance-Star* is published. This non-compliant combination of media properties was grandfathered, along with other pre-existing combinations, when the NBCO rule was adopted.³

On January 23, 2014, VND filed for voluntary bankruptcy in the United States Bankruptcy Court for the Eastern District of Virginia.⁴ On May 15, 2014, a bankruptcy auction was held that resulted in the sale of most of VND's assets, including the Stations, to VND's largest creditor, FLS.⁵ On May 27, 2014, the Bankruptcy Court issued an order approving the sale of the VND assets and granting FLS the right to acquire the Stations from VND out of bankruptcy. On June 11, 2014, VND filed the Application to assign the licenses for the Stations to FLS. Because the NBCO rule requires that the assignment of a grandfathered combination must comply with the NBCO rule, FLS requests an interim waiver to allow it to acquire and hold both the *Free Lance-Star* and the Stations until the Commission acts on the proposal in the pending 2014 *Quadrennial* proceeding to eliminate the newspaper/radio portion of the NBCO rule.⁶

In support of its waiver request, FLS states that the cross-ownership of the *Free Lance-Star* and the Stations creates beneficial “synergies,” such as the sharing of breaking news stories and alerts, cross-promotion, and financial efficiencies such as sharing a building.⁷ FLS also argues that the pendency of the 2014 *Quadrennial NPRM* is grounds for waiver, relying on a 1987 decision, *Capital Cities*,⁸ in which the Commission extended an existing 18-month waiver of the one-to-a-market rule pending Commission

² 47 C.F.R. § 73.3555(d).

³ *Amendment of Sections 73.34, 73.240, and 73.636 of the Commission's Rules Relating to Multiple Ownership of Standard, FM, and Television Broadcast Stations*, Second Report and Order, 50 FCC 2d 1046, 1078-1086 (1975) (“1975 Order”), *aff'd on recon.*, 53 FCC 2d 589 (1975) (“1975 Reconsideration Order”), *aff'd sub nom. FCC v. National Citizens Comm. for Broadcasting*, 436 U.S. 775 (1978).

⁴ *See The Free Lance-Star Publishing Co. of Fredericksburg, VA et al.*, Case No. 14-30315-KRH (Bankr. E.D. Va) (“Bankruptcy Court”). On April 3, 2014, the Commission granted an application approving the *pro forma* assignment of the Stations licenses from Free Lance-Star Publishing Co. of Fredericksburg, VA, to the same entity operating as debtor-in-possession, subsequently renamed VND. *See* FCC File Nos. BALH-20140218AEO-AES; *Broadcast Actions*, Public Notice, Report No. 48213 (April 8, 2014).

⁵ For convenience, we refer to various FLS-affiliated corporate entities under common control as “FLS.”

⁶ *See 2014 Quadrennial Regulatory Review—Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Further Notice of Proposed Rulemaking and Report and Order, 29 FCC Rcd 4371, 4435 *et seq.* (2014) (“2014 Quadrennial NPRM”).

⁷ Application, Exhibit 18 at 2-4.

⁸ *Capital Cities/ABC, Inc.*, Letter, 2 FCC Rcd 2539 (1987) (“*Capital Cities*”) (deferring divestiture obligations pending Commission action on the rulemaking initiated by *Amendment of Section 73.3555 of the Commission's Rules, the Broadcast Multiple Ownership Rules*, Notice of Proposed Rulemaking, 2 FCC Rcd 1138 (1987)).

action on a rulemaking proposing to modify or eliminate that rule.⁹ FLS contends that continuance of the grandfathered NBCO in this case would not harm the public interest, “since the cross-ownership has caused no harm for over 50 years.”¹⁰ FLS argues that because the Commission has raised a “substantial question” whether the NBCO rule continues to serve the public interest, it would be inequitable to “force [FLS] into a premature divestiture” or to “prematurely disrupt the joint operation of FLS’s radio stations and newspaper . . . [before] Commission action on the newspaper-radio cross-ownership rule in the 2014 Quadrennial Regulatory Review, at which time the need for any divestitures may become moot.”¹¹ In a supplement to the Application filed October 27, 2014 (“Supplement”), FLS claims that its waiver request is also supported by the Commission’s August 8, 2014, decision in which the Media Bureau deferred a final ruling on a request for permanent waiver originally filed in 2004 until final Commission action in the 2014 Quadrennial proceeding.¹²

Discussion. The Commission’s Rules may be waived only for good cause shown.¹³ The Commission must give waiver requests “a hard look,” but an applicant for waiver “faces a high hurdle even at the starting gate”¹⁴ and must support its waiver request with a compelling showing.¹⁵ Waiver is appropriate only if both (1) special circumstances warrant a deviation from the general rule, and (2) such deviation better serves the public interest.¹⁶ FLS has failed to meet this burden with respect to the interim waiver sought.¹⁷

NBCO waivers. The Commission first prohibited the cross-ownership of newspapers and broadcast stations in 1975, as a way of promoting viewpoint diversity.¹⁸ The NBCO rule prohibits not only the creation of new newspaper/broadcast combinations but also (except in limited circumstances not

⁹ Application, Exhibit 18 at 5-6; *see* 47 C.F.R. § 73.3555(c) (limiting common ownership of television and radio stations in the same market).

¹⁰ Application, Exhibit 18 at 6.

¹¹ *Id.* FLS requests that if the Commission acts to retain the NBCO rule, FLS be given six months after the effective date of such action to either come into compliance with the rule or submit a request for a permanent waiver. *Id.*, n.13.

¹² *Fox Television Stations, Inc.*, Memorandum Opinion and Order, 29 FCC Rcd 9564 (2014) (“*Fox Supplemental Waiver*”).

¹³ 47 C.F.R. § 1.3.

¹⁴ *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969) (subsequent history omitted).

¹⁵ *Greater Media Radio Co., Inc.*, Memorandum Opinion and Order, 15 FCC Rcd 7090 (1999) (citing *Stoner Broadcasting System, Inc.*, Memorandum Opinion and Order, 49 FCC 2d 1011, 1012 (1974)).

¹⁶ *NetworkIP, LLC v. FCC*, 548 F.3d 116, 125-128 (D.C. Cir. 2008); *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

¹⁷ Nor can we construe FLS’s request as a request for a permanent waiver. FLS does not provide the type of information that we have relied upon in the past when granting permanent waivers, such as data regarding the financial viability of the media properties at issue and the level of diversity in the relevant market. *See, e.g., Fox Supplemental Waiver*, 29 FCC Rcd 9564; *Fox Television Stations Inc.*, 8 FCC Rcd 5341, 5348 (1993), *aff’d sub nom. Metropolitan Council of NAACP Branches v. FCC*, 46 F.3d 1154 (D.C. Cir. 1995) (granting a waiver of the NBCO rule to allow reacquisition of the *New York Post* by its previous owner on the basis that the transaction might be pivotal to the newspaper’s survival); *Field Communications Corporation*, Letter, 65 FCC 2d 959, 961 (1977) (granting a waiver of the NBCO rule to allow reacquisition of a financially troubled UHF station).

¹⁸ 1975 Order, 50 FCC 2d at 1074.

applicable here) the perpetuation of existing combinations through assignments or transfers.¹⁹ The 1975 rule is still in effect despite attempts by the Commission to modify the restriction.²⁰ In the *1975 Order*, the Commission expressly contemplated granting permanent or temporary waivers of the NBCO rule where divestiture would forcibly create a loss or disserve the purposes of the rule.²¹ It specified four such situations: (1) where there is an inability to dispose of an interest in order to conform to the rules; (2) where the only sale possible is at an artificially depressed price; (3) where separate ownership and operation of the newspaper and station cannot be supported in the locality; and (4) where, for whatever reason, the purposes of the rule would be disserved by divestiture.²² Under the fourth, catch-all waiver category, the Commission stated that it would examine any “special circumstances” advanced by the party as having a bearing on the appropriateness of granting a waiver.²³ However, the Commission stated that such “special circumstances” should not be premised on views rejected at the time the cross-ownership rule was adopted, as “we do not intend to relitigate resolved issues.”²⁴

Special circumstances. Here, FLS does not argue that its waiver request falls within any of the first three categories. Therefore, we analyze its request under the fourth, catch-all category of “special circumstances.” As detailed above, FLS bases its request on two arguments: (1) beneficial “synergies” between the *Free Lance-Star* and the Stations, including enhanced local news; and (2) the pendency of the 2014 *Quadrennial* proceeding. However, as it clearly stated in the *1975 Order* and subsequently reaffirmed, the Commission will not relitigate in waiver requests issues that were settled when the rule was adopted.²⁵ Cross-efficiency arguments were certainly considered and rejected in the *1975 Order*.²⁶ Therefore, FLS’s “synergies” argument cannot be accepted in support of its waiver request.²⁷ Moreover, the cross-efficiencies described in FLS’s waiver request would likely be found in virtually all pre-1975

¹⁹ This approach reflected the Commission’s policy goal that any new licensing should be expected to add to local diversity. See *1975 Order*, 50 FCC 2d at 1075.

²⁰ See, e.g., *2002 Biennial Regulatory Review*, Report and Order, 18 FCC Rcd 13620, 13747-67, 13790-807 (2003) (replacing the NBCO rule with cross-media limits, which were remanded by the Third Circuit in *Prometheus Radio Project v. FCC*, 373 F.3d 372, 402-03 (3d Cir. 2004)); *2006 Quadrennial Regulatory Review*, Report and Order and Order on Reconsideration, 23 FCC Rcd 2010, 2018-57 (2008) (adding a waiver provision to the NBCO rule, which was vacated and remanded on procedural grounds in *Prometheus Radio Project v. FCC*, 652 F.3d 431, 453 (3d Cir. 2011)).

²¹ *1975 Order*, 50 FCC 2d at 1077.

²² *1975 Order*, 50 FCC 2d at 1085. Although later applied to new newspaper/broadcast combinations, these waiver criteria were originally designed specifically for the divestiture of combinations, like this one, existing prior to adoption of the rule.

²³ *Id.* at 1085, n.47; see also, e.g., *Stockholders of Renaissance Communications Corp.*, Memorandum Opinion and Order, 12 FCC Rcd 11866, 11879-80 (1997) (“*Renaissance Communications*”).

²⁴ *1975 Order*, 50 FCC 2d at 1085; see also, e.g., *Hopkins Hall Broadcasting, Inc.*, 10 FCC Rcd 9764, 9766 (1995) (“*Hopkins Hall*”) (“All of the arguments raised by [applicant] concerning improved news coverage, expertise, and operating efficiencies were considered and rejected in the rulemaking that led to passage of the present rule”).

²⁵ *1975 Order*, 50 FCC 2d at 1085; see also, e.g., *Capital Cities/ABC, Inc.*, Memorandum Opinion and Order, 11 FCC Rcd 5891, 5895 (1996).

²⁶ *1975 Order*, 50 FCC 2d at 1064-5, 1075 (explaining that while, historically, joint ownership had been beneficial as a way of pioneering new radio services, in a mature industry, diversity takes precedence); *Hopkins Hall*, 10 FCC Rcd at 9766.

newspaper/broadcast combinations.²⁸ Therefore, we cannot conclude that special circumstances exist that would warrant waiver here.

FLS's second ground for waiver, the pendency of the 2014 *Quadrennial* proceeding, likewise fails to satisfy the waiver standard. The Commission has repeatedly stated that the initiation of a rulemaking is insufficient grounds for waiver.²⁹ The issue before us is not whether a rulemaking proceeding is pending but whether the public interest would be served by a grant of the waiver.³⁰ As the Commission stated in the 1998 *Biennial Review NOI*,

[W]e believe it is important to review and restate our approach to granting conditional waivers of broadcast ownership rules which are under active consideration by the Commission in a rulemaking or inquiry proceeding. Generally, *we have not granted conditional waivers of a broadcast ownership rule simply on the grounds that the rule was the subject of an ongoing rulemaking or inquiry proceeding*, believing that such a blanket approach would make our enforcement processes unworkable and would subject our regulatees to undesirable levels of uncertainty. Perhaps more importantly, such an approach would necessarily assume that compliance with the subject rule during the pendency of its review was not in the public interest, an assumption which would ordinarily lack a substantial record basis at the notice of inquiry or notice of proposed rulemaking stage of a proceeding.³¹

The Commission went on to note that in certain limited instances, it has “consciously departed from this general approach” and expressly established an interim waiver policy allowing waivers conditioned on compliance with the outcome of the proceeding.³² However, such an interim policy was notably absent from the 2014 *Quadrennial NPRM* and we decline to create one on an *ad hoc* basis here. Therefore, given the lack of any other acceptable special circumstances presented by FLS, we will not grant an interim waiver of the NBCO rule solely on the grounds that the rule is the subject of an ongoing rulemaking.

²⁸ See, e.g., *Renaissance Communications*, 12 FCC Rcd at 11887 (“certain of the benefits identified by Tribune, such as enhanced news gathering and public service campaigns, appear to be of the type that would exist in virtually all newspaper/broadcast combinations and, consequently, cannot be regarded as demonstrating exceptional circumstances.”).

²⁹ See, e.g., *New Rushmore Radio Inc.*, Letter, 29 FCC Rcd 3265, 3267 (MB 2014) (“*New Rushmore*”) (“The Commission does not routinely waive rules merely because they could be modified in the future as a result of a pending rulemaking.”); *Shareholders of Tribune Company*, Memorandum Opinion and Order, 22 FCC Rcd 21266, 21276 (2007) (“*Tribune*”) (holding that speculation regarding the likelihood of compliance with a proposed future rule is “not sufficient to overcome our long-standing policy against granting waivers pending the outcome of rulemakings...”); *RKO General*, Memorandum Opinion and Order, 3 FCC Rcd 5262, 5263 (1988).

³⁰ *Stockholders of Renaissance Communications Corporation*, Order, 13 FCC Rcd 4717, 4718 (1998) (“*Renaissance Communications II*”) (“[F]or purposes of determining whether an interim waiver should be granted in a particular case, what is important is whether the public interest would be served by a grant of the waiver. Whether the Commission specifically contemplates changing a rule in a manner that would provide relief to the party seeking the waiver is only one factor in the public interest calculus.”); 1998 *Biennial Regulatory Review*, Notice of Inquiry, 13 FCC Rcd 11276, 11294-5 (1998) (“1998 *Biennial Review NOI*”) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969)).

³¹ 1998 *Biennial Review NOI*, 13 FCC Rcd at 11294-95 (emphasis added).

³² *Id.* (citing as an example the interim waiver policy for the television duopoly rule set out in *Review of the Commission's Regulations Governing Television Broadcasting*, Second Further Notice of Proposed Rulemaking, 11 FCC Rcd 21655, 21681 (1996)).

Capital Cities does not control here, for several reasons. First, it did not concern the NBCO rule. In *Capital Cities*, the Commission granted a waiver of the one-to-a-market rule, which generally proscribes the common ownership of a television and radio station in the same market.³³ We have developed different waiver criteria for each of the various cross-ownership rules, such as the NBCO rule, the one-to-a-market rule, and the television duopoly rule.³⁴ In this context, we note that the NBCO rule, specifically, has been waived rarely since its inception.³⁵ Second, and more importantly, to the extent that *Capital Cities* could be read to establish the principle that a pending rulemaking proceeding generally justifies grant of a waiver, it has been superseded by subsequent decisions. In 1998, the Commission noted that although there had apparently been some “confusion” over the import of *Capital Cities* with respect to interim waivers, “it should now be clear that the mere initiation of a proceeding stating that the rule would be examined, or merely the fact that such a proceeding was on the horizon, would not be sufficient to warrant an interim waiver.”³⁶ In the 1998 *Biennial Review NOI*, the Commission reiterated that “to the extent that [the *Capital Cities* waiver decision] suggests that the pendency of a proceeding by itself would be sufficient basis for a waiver, it is superseded...”³⁷ In a number of subsequent decisions, the Commission reaffirmed this policy.³⁸ Given the weight of countervailing precedent, we find that *Capital Cities* does not mandate that we grant a waiver solely on the basis of the pending 2014 *Quadrennial* rulemaking proceeding.³⁹

³³ 47 C.F.R. § 73.3555(c); *Capital Cities*, 2 FCC Rcd at 2529-40.

³⁴ See *Stockholders of CBS*, Memorandum Opinion and Order, 11 FCC Rcd 3733, 3754-5 (1995) (“*CBS*”) (“[T]he Commission has developed detailed standards for permanent waiver of its one-to-a-market rule, its television duopoly rule, and the television satellite exemption to the multiple ownership rules.”). Therefore, even in the same decision, waiver requests for each cross-ownership rule are generally analyzed separately. See, e.g., *Tribune*, 22 FCC Rcd at 21273 *et seq.*; *Capital Cities/ABC, Inc.*, Memorandum Opinion and Order, 11 FCC Rcd 5841, 5862-3 (1996) (“*Disney*”). Waivers involving the television duopoly rule, for example, have focused on the extent of the overlap, the number of media voices available in the overlap area, the distinctiveness of the respective markets, the independence of the stations’ operations, and the concentration of economic power resulting from the combination. See *Disney*, 11 FCC Rcd at 5862-3. On the other hand, there are three standards for waivers of the one-to-a-market rule: the “top 25/30 voices” standard, the “failed station” standard, and the five-factor “case-by-case” standard. *CBS*, 11 FCC Rcd at 3765.

³⁵ See, e.g., *Counterpoint Communications, Inc.*, Memorandum Opinion and Order, 20 FCC Rcd 8582, 8584-5 (2005) (noting that the Commission had granted only four permanent waivers of the NBCO rule since 1975, as well as several temporary waivers granting a specific period of time to come into compliance).

³⁶ *Renaissance Communications II*, 13 FCC Rcd at 4718 (“The Commission’s position with respect to interim waivers pending rulemaking has apparently not been clearly articulated, as evidenced by the court’s opinion. In light of this confusion, we believe it would be unduly harsh for *Tribune* not to receive some further interim relief.”).

³⁷ 1998 *Biennial Review NOI*, 13 FCC Rcd at 11295 (citing *Capital Cities/ABC, Inc.*, Letter, 4 FCC Rcd 5498 (1989) (replacing *Capital Cities*’ interim waiver with a permanent waiver under the “top 25 markets/30 voices” standard)).

³⁸ See *supra*, note 29.

³⁹ The case before us is also distinguishable from the recent *Fox Supplemental Waiver* decision, cited in FLS’s Supplement, in which the Commission deferred a final ruling on a request for permanent waiver originally filed in 2004 until final Commission action in the 2014 *Quadrennial* proceeding. See *Fox Supplemental Waiver*, 29 FCC Rcd at 9576-78. In the *Fox Supplemental Waiver* decision, the original waiver request was based on the Commission’s relaxation of the NBCO rule in its decision in the 2002 biennial ownership review process, a decision that was subsequently stayed and remanded by the U.S. Court of Appeals for the Third Circuit. *Id.* at 9578. In a 2008 supplement to its permanent waiver request, Fox argued that its combination also met the standard for a permanent waiver of the NBCO rule set out in a 2008 decision. See *supra*, note 20. This decision was also

Other public interest and equitable considerations. FLS states that “it would be difficult to argue that temporary continuance of FLS’s grandfathering would harm the public interest, since the cross-ownership has caused no harm for over 50 years.”⁴⁰ We disagree. By adopting a prospective rule, which would enhance diversity only through gradual, voluntary divestitures, the Commission sought to balance the harm caused to licensees and local communities by divestitures with the harm to diversity posed by the perpetuation of such combinations.⁴¹ In doing so, the Commission acknowledged the significant public services performed by licensees (often newspaper owners) who had pioneered radio service before it became profitable.⁴² It also noted the value of continuity of ownership to the local community, in contrast to ownership by outside interests who would “lack the long knowledge of the community and would have to begin raw.”⁴³ Thus VND (and Fredericksburg) are the logical beneficiaries of the grandfathering policy, but FLS is not. In this respect, we observe that in the landmark NBCO waiver cases *Field* and *Fox*, both assignees were *reacquiring* the media properties at issue, having previously either controlled the property or had a continuing financial interest in it.⁴⁴ This is not the case here, where the proposed transaction would result in completely new ownership of the relevant media properties. Finally, we disagree with FLS that denial of the waiver request would “force it...into a premature divestiture.”⁴⁵ Rather, FLS bid on this media combination in the full knowledge that it would be subject to immediate divestiture under the Rules.⁴⁶ For all these reasons, we find that FLS has not shown that application of the Rules in this case, which does not appear to substantially differ from any other transaction contemplated by the 1975 Order, is either inequitable or against the public interest.

Conclusion/Actions. As discussed above, we find that FLS has not demonstrated that special circumstances are present in this case that would warrant waiver of the NBCO rule. However, we will grant a temporary waiver for twelve months to allow the orderly resolution of the bankruptcy proceeding while requiring FLS to come into compliance with the NBCO rule. We find that it is in the public interest to allow FLS, as creditor, twelve months to obtain full value for the station assets, which as noted were

remanded by the Court. *Id.* Thus, Fox’s permanent waiver request had been pending through ten years and two court remands of the relevant standard. In light of Fox’s “unique” circumstances (including, among other things “two television stations, one newspaper, the number one media market”) the Commission declined to make a final ruling on Fox’s permanent waiver request, affording the licensee 90 days after final Commission action in the 2014 *Quadrennial* proceeding to either comply with the rule in effect at that time or file a new waiver request. *Id.* The equitable considerations in *Fox*, as well as the information Fox provided regarding diversity in the relevant market, are not present in this case.

⁴⁰ Application, Exhibit 18, at 6.

⁴¹ 1975 *Reconsideration Order*, 53 FCC 2d at 589 (“In addition to the theoretical advantage of greater diversity, the Commission determined that it was necessary to take into account the impact of any possible divestiture requirement on the public and affected parties alike.”).

⁴² 1975 Order, 50 FCC 2d at 1078; *FCC v. Nat’l Citizens Comm. for Broadcasting*, 436 U.S. 775, 805 (1978).

⁴³ 1975 Order, 50 FCC 2d at 1078.

⁴⁴ See *Hopkins Hall*, 10 FCC Rcd at 9764; *supra* note 17.

⁴⁵ Application, Exhibit 18, at 6.

⁴⁶ See *Tribune*, 27 FCC Rcd at 14252 (finding that application of the NBCO rule would not be unduly harsh because “[a]ll of these combinations represent properties that Tribune knew were non-compliant when it acquired them.”).

obtained at a court-ordered bankruptcy auction.⁴⁷ In the alternative, if the Commission eliminates the NBCO Rule pursuant to the *2014 Quadrennial NPRM* within this twelve month divestiture period, FLS may retain the combination if permitted to do so under the new rule, subject to any conditions therein. We also condition this temporary waiver on FLS's compliance with any other requirements the Commission may apply, pursuant to the *2014 Quadrennial NPRM*, to other holders of temporary NBCO waivers.

Accordingly, IT IS ORDERED, that the Application to assign the licenses for Stations WFLS-FM, Fredericksburg, WNTX(AM), Fredericksburg, WVBX(FM), Spotsylvania, WWUZ(FM), Bowling Green, and W246BS, Fredericksburg, all Virginia, from VA Newspaper Debtor Co. to Free Lance-Star License, Inc. (File No. BALH-20140611ACJ) IS GRANTED. IT IS FURTHER ORDERED, that Free Lance-Star License, Inc. IS GRANTED a temporary waiver of the newspaper/broadcast cross-ownership rule, 47 C.F.R. § 73.3555(d), for twelve months from the release of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter H. Doyle", written in a cursive style.

Peter H. Doyle
Chief, Audio Division
Media Bureau

⁴⁷ See, e.g., *Disney*, 11 FCC Rcd 5841 (granting a 12-month waiver period to allow an orderly divestiture); *Tribune*, 27 FCC Rcd 14239 (granting a 12-month waiver period to “facilitate an orderly disposition of these assets from bankruptcy”). Cf. *New Rushmore*, 29 FCC Rcd at 3269 (in a non-bankruptcy context, allowing a 60-day waiver period to come into compliance with the one-to-a-market rule).

Exhibit B



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The database searches return either station or application data. The application search provides an application link that displays the complete electronically filed application in application format. An AL/TC search under the application search link permits searching for Assignment of License/Transfer of Control groups using the AL/TC group lead application. For further details, click on the [Help](#) file, or send questions and requests to cdbshelp@fcc.gov.

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Search returned: 16 matching applications

Application Search Results									
File Number	Form	Paper/ Elect	Call Sign	Facility Id	Service	Status	Status Date	Details	
BALH 20140611ACJ	314	E	WFLS-FM	65641	FM	GRANTED	11/26/2014	Info	Application
BALH 20140218AEO	316	E	WFLS-FM	65641	FM	GRANTED	04/03/2014	Info	Application
BTCH 20120224AAS	316	E	WFLS-FM	65641	FM	GRANTED	03/20/2012	Info	Application
BRH 20110601AFV	303	E	WFLS-FM	65641	FM	GRANTED	12/04/2012	Info	Application
BRH 20030530BPZ	303	E	WFLS-FM	65641	FM	GRANTED	09/25/2003	Info	Application
BRH 19950601XV	303	P	WFLS-FM	65641	FM	GRANTED	09/22/1995	Info	Application
BLH 19891006KB	302-FM	P	WFLS-FM	65641	FM	GRANTED	08/15/1990	Info	Application
BPH 19890203IB	301	P	WFLS-FM	65641	FM	GRANTED	08/24/1989	Info	Application
BLH 19880809LD	302-FM	P	WFLS-FM	65641	FM	GRANTED	12/09/1988	Info	Application
BRH 19880601ZS	303	P	WFLS-FM	65641	FM	GRANTED	12/09/1988	Info	Application
BPH 19880315IB	301	P	WFLS-FM	65641	FM	GRANTED	07/19/1988	Info	Application
BALH 19831128GS	314	P	WFLS-FM	65641	FM	GRANTED	12/12/1983	Info	Application
BRH 19810601XP	303	P	WFLS-FM	65641	FM	GRANTED	10/22/1981	Info	Application
		E	WFLS-FM	65641	FM	Accepted	12/04/2014	Info	Application
		E	WFLS-FM	65641	FM	Accepted	04/24/2014	Info	Application
		E	WFLS-FM	65641	FM	Accepted	03/23/2012	Info	Application

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Application Search Details

File Number:	BALH-20140611ACJ
Call Sign:	WFLS-FM
Facility Id:	65641
FRN:	0023697667
Applicant Name:	FREE LANCE-STAR PUBLISHING CO. OF FREDERICKSBURG, VA, D-IN-P
Frequency:	93.3
Channel:	227
Community of License:	FREDERICKSBURG, VA
Application Type:	ASSIGNMENT OF LICENSE
Status:	GRANTED
Consummation Date:	12/02/2014
Status Date:	11/26/2014
Expiration Date:	
Tolling Code:	
Application Service:	FM
Disposed Date:	11/26/2014
Accepted Date:	06/13/2014
Amendment Received Date:	10/27/2014
Last Public Notice:	12/02/2014
Last Report Number:	48377
Authorization	View Authorization
Legal Actions	View Legal Actions
Positional Interest Info	View Positional Interest Info
PN Comment	Public Notice Comment
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Letter Date	Description	Details
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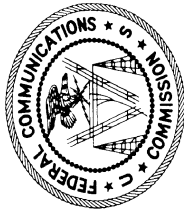
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Exhibit C



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6/17/2014

STATE FILE NUMBER E/P CALL LETTERS APPLICANT AND LOCATION N A T U R E O F A P P L I C A T I O N

DIGITAL TV APPLICATIONS FOR AMENDMENT RECEIVED

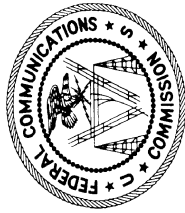
KS	BRC DT-20140127ABK	KMCI-TV 42636	SCRIPPS MEDIA, INC.	Amendment filed 06/12/2014
	E CHAN-41	KS,	LAWRENCE	

DIGITAL TRANSLATOR OR DIGITAL LPTV APPLICATIONS FOR ASSIGNMENT OF LICENSE ACCEPTED FOR FILING

CO	BAPDTT-20140611AAK	K20JH-D 168362	EXCALIBUR GRAND JUNCTION LLC	Voluntary Assignment of License From: EXCALIBUR GRAND JUNCTION LLC To: GRAY TELEVISION LICENSEE, LLC Form 345
	E CHAN-20	CO,	RIFLE, ETC.	

CO	BALDTL-20140611AAL	K21JK-D 168357	EXCALIBUR GRAND JUNCTION LLC	Voluntary Assignment of License From: EXCALIBUR GRAND JUNCTION LLC To: GRAY TELEVISION LICENSEE, LLC Form 345
	E CHAN-21	CO,	MONTROSE	

OR	BALDTV-20140611ABA	K09YE-D 36173	CENTRAL OREGON CABLE ADVERTISING, LLC	Voluntary Assignment of License From: CENTRAL OREGON CABLE ADVERTISING, LLC To: TDS BROADCASTING LLC Form 345
	E CHAN-9	OR,	LA PINE	



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<u>STATE FILE NUMBER</u>	<u>E/P CALL LETTERS</u>	<u>APPLICANT AND LOCATION</u>	<u>NATURE OF APPLICATION</u>
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FM STATION APPLICATIONS FOR ASSIGNMENT OF LICENSE ACCEPTED FOR FILING

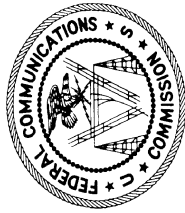
VA	BALH-20140611ACJ	WFLS-FM 65641 E 93.3 MHZ	FREE LANCE-STAR PUBLISHING CO. OF FREDERICKSBURG, VA, D-IN-P VA , FREDERICKSBURG	Voluntary Assignment of License From: FREE LANCE-STAR PUBLISHING CO. OF FREDERICKSBURG, VA, D-IN-P To: FREE LANCE-STAR LICENSE, INC. Form 314
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IN	BALED-20140612AAE	WMHD-FM E 57684 90.7 MHZ	ROSE-HULMAN INSTITUTE OF TECHNOLOGY IN , TERRE HAUTE	Voluntary Assignment of License From: ROSE-HULMAN INSTITUTE OF TECHNOLOGY To: INDIANA STATE UNIVERSITY BOARD OF TRUSTEES Form 314
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VA	BALED-20140612ACZ	WWEM 81316 E 91.7 MHZ	EDUCATIONAL MEDIA CORPORATION VA , RUSTBURG	Voluntary Assignment of License From: EDUCATIONAL MEDIA CORPORATION To: PATHWAY CHRISTIAN ACADEMY, INC. Form 314
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FM TRANSLATOR APPLICATIONS FOR ASSIGNMENT OF LICENSE ACCEPTED FOR FILING

WI	BALFT-20140612ABF	W254AX 122217 E 98.7 MHZ	WRVM, INC. WI , MERRILL	Voluntary Assignment of License From: WRVM, INC. To: RESULTS BROADCASTING, INC. Form 345
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TV TRANSLATOR OR LPTV STATION APPLICATIONS FOR ASSIGNMENT OF LICENSE ACCEPTED FOR FILING

CO	BALTTL-20140611AAI	KKHD-LP 128473 E CHAN-20	EXCALIBUR GRAND JUNCTION LLC CO , GRAND JUNCTION	Voluntary Assignment of License From: EXCALIBUR GRAND JUNCTION LLC To: GRAY TELEVISION LICENSEE, LLC Form 345
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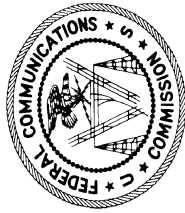
CO	BALTTL-20140611AAJ	KXHD-LP 55637 E CHAN-36	EXCALIBUR GRAND JUNCTION LLC CO , MONTROSE	Voluntary Assignment of License From: EXCALIBUR GRAND JUNCTION LLC To: GRAY TELEVISION LICENSEE, LLC Form 345
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FM TRANSLATOR APPLICATIONS FOR ASSIGNMENT OF PERMIT ACCEPTED FOR FILING

NC	BAPFT-20140609ABO	W228CV 156986 E 93.5 MHZ	RADIO TRAINING NETWORK, INC. NC , BRIARCLIFF	Voluntary Assignment of Construction Permit From: RADIO TRAINING NETWORK, INC. To: EASTERN AIRWAVES, LLC Form 345
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DIGITAL TRANSLATOR OR DIGITAL LPTV APPLICATIONS FOR DIGITAL FLASH CUT ACCEPTED FOR FILING

WA	BDFCDTL-20140612ABB	KIDQ-LP 130181 E CHAN-27	KIDQ, INC. WA , CLARKSTON	Minor change of callsign KIDQ-LP.
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DIGITAL TRANSLATOR OR DIGITAL LPTV APPLICATIONS FOR LICENSE TO COVER ACCEPTED FOR FILING

PR	BLDTL-20140611AAU	W25EF-D 181825 E	TV RED DE PUERTO RICO INC PR , TOA BAJA License to cover construction permit no: BNPDTL-20090825BHU, callsign W25EF-D.
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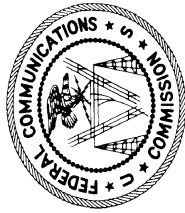
NV	BLDTL-20140611ADE	KVTE-LP 40207 E CHAN-35	MOUNTAIN RIDGE HOLDINGS, INC. NV , LAS VEGAS License to cover construction permit no: BMPDTL-20140414ACB, callsign KVTE-LP.
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DIGITAL TV APPLICATIONS FOR LICENSE TO COVER ACCEPTED FOR FILING

IN	BLCDDT-20140611AAT	WHME-TV 36117 E CHAN-48	LESEA BROADCASTING OF SOUTH BEND, INC. IN , SOUTH BEND License to cover construction permit no: BPCDDT-20140507ABI, callsign WHME-TV.
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NY	BLEDT-20140612AAV	WXXI-TV 57274 E CHAN-16	WXXI PUBLIC BROADCASTING COUNCIL NY , ROCHESTER License to cover construction permit no: BMPEDT-20131211ADQ, callsign WXXI-TV.
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AL	BLEDT-20140612ABA	WBIQ 717 E CHAN-10	ALABAMA EDUCATIONAL TELEVISION COMMISSION AL , BIRMINGHAM License to cover construction permit no: BPEDT-20140502ABH, callsign WBIQ.
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FM TRANSLATOR APPLICATIONS FOR LICENSE TO COVER ACCEPTED FOR FILING

FL	BLFT-20140611AAG	W297BB 152901 COX RADIO, INC.	License to cover.
	E	107.3 MHZ FL, DE BARY	

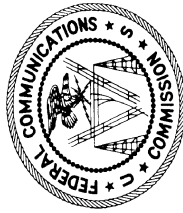
SD	BLFT-20140611AAV	K296FI 149245 JAMES RIVER BROADCASTING COMPANY	License to cover.
	E	107.1 MHZ SD, PIERRE	

LOW POWER FM APPLICATIONS FOR LICENSE TO COVER ACCEPTED FOR FILING

FL	BLL-20140612ADE	WQFB-LP 194909 THE FLAGLER BEACH HISTORICAL MUSEUM	License to cover.
	E	97.3 MHZ FL, FLAGLER BEACH	

DIGITAL AUXILIARY APPLICATIONS FOR LICENSE TO COVER AUXILIARY PERMIT ACCEPTED FOR FILING

PR	BXLCDT-20140611ACI	WLIJ-DT 19777 WLIJ/WSUR LICENSE PARTNERSHIP, G.P.	License to cover auxiliary permit.
	E	CHAN-11 PR, CAGUAS	



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Federal Communications Commission
445 Twelfth Street SW
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 28262

Broadcast Applications

6/17/2014

<u>STATE FILE NUMBER</u>	<u>E/P CALL LETTERS</u>	<u>APPLICANT AND LOCATION</u>	<u>NATURE OF APPLICATION</u>
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FM AUXILIARY TRANSMITTING ANTENNA APPLICATIONS FOR LICENSE TO COVER AUXILIARY PERMIT ACCEPTED FOR FILING

FL	BXLH-20140611AAC	WMMO 23444 COX RADIO, INC.	License to cover auxiliary permit.
	E 98.9 MHZ	FL, ORLANDO	

FM STATION APPLICATIONS FOR MINOR AMENDMENT TO A CONSTRUCTION PERMIT RECEIVED

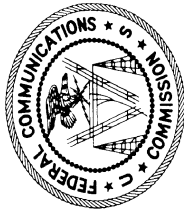
MT	BNPED-20071018ADT	NEW 172995 CALVARY CHAPEL OF HELENA, INC.	Engineering Amendment filed 06/12/2014
	E 88.1 MHZ	MT, MONTANA CITY	

AM STATION APPLICATIONS FOR MINOR CHANGE TO A LICENSED FACILITY ACCEPTED FOR FILING

MN	BP-20140612ACW	KWOA 48971 ABSOLUTE COMMUNICATIONS II, L.L.C.	Minor change in licensed facilities.
	E 730 KHZ	MN, WORTHINGTON	

DIGITAL TRANSLATOR OR DIGITAL LPTV APPLICATIONS FOR MINOR CHANGE TO A LICENSED FACILITY ACCEPTED FOR FILING

GA	BPDTL-20140612ABC	W46EM-D 182464	MADISON AVENUE VENTURES	Minor change in licensed facilities, call sign W46EM-D.
	E	CHAN-46	GA, ATHENS	



PUBLIC NOTICE

Federal Communications Commission
445 Twelfth Street SW
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 28262

Broadcast Applications

6/17/2014

<u>STATE FILE NUMBER</u>	<u>E/P CALL LETTERS</u>	<u>APPLICANT AND LOCATION</u>	<u>NATURE OF APPLICATION</u>
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DIGITAL TRANSLATOR OR DIGITAL LPTV APPLICATIONS FOR MINOR CHANGE TO A LICENSED FACILITY ACCEPTED FOR FILING

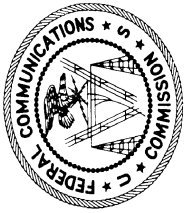
ID	BPDTL-20140612ABD	K27KI-D 182620 E CHAN-27	STAN V. SMITH TRUST DATED APRIL 30, 1993 ID, BOISE	Minor change in licensed facilities, callsign K27KI-D.
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ID	BPDTL-20140612ABI	KFLL-LD 183638 E CHAN-25	DTV AMERICA CORPORATION ID, BOISE	Minor change in licensed facilities, callsign KFLL-LD.
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TX	BPDTL-20140612ABX	K49LC-D 182059 E CHAN-49	MIK, LLC TX, COLLEGE STATION	Minor change in licensed facilities, callsign K49LC-D.
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IN	BPDTL-20140612ACB	W33CU-D 181949 E CHAN-33	DTV AMERICA 1, LLC IN, EVANSVILLE	Minor change in licensed facilities, callsign W33CU-D.
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SC	BPDTL-20140612ACP	W44CU-D 182028 E CHAN-44	MIK, LLC SC, FLORENCE	Minor change in licensed facilities, callsign W44CU-D.
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PUBLIC NOTICE

Federal Communications Commission
445 Twelfth Street SW
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 28262

Broadcast Applications

6/17/2014

<u>STATE FILE NUMBER</u>	<u>E/P CALL LETTERS</u>	<u>APPLICANT AND LOCATION</u>	<u>NATURE OF APPLICATION</u>
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DIGITAL TRANSLATOR OR DIGITAL LPTV APPLICATIONS FOR MINOR CHANGE TO A LICENSED FACILITY ACCEPTED FOR FILING

SC	BPDTL-20140612ADG	WUCV-LD 182026 E	MIK, LLC SC, FLORENCE CHAN-35	Minor change in licensed facilities, callsign WUCV-LD.
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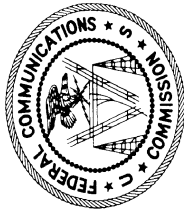
FL	BPDTL-20140612ADI	WEDS-LD 182836 E	MIK, LLC FL, FORT WALTON CHAN-29	Minor change in licensed facilities, callsign WEDS-LD.
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FL	BPDTL-20140612ADJ	W17DH-D 182282 E	KING FORWARD, INC. FL, GAINESVILLE CHAN-17	Minor change in licensed facilities, callsign W17DH-D.
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FL	BPDTL-20140612ADK	W24DM-D 182304 E	KING FORWARD, INC. FL, GAINESVILLE CHAN-24	Minor change in licensed facilities, callsign W24DM-D.
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FM BOOSTER APPLICATIONS FOR MINOR CHANGE TO A LICENSED FACILITY ACCEPTED FOR FILING

CA	BPFTB-20140612ABZ	KIOI-FM2 90740 E 101.3 MHZ	AMFM BROADCASTING LICENSES, LLC CA, PLEASANTON	Minor change in licensed facilities, callsign KIOI-FM2.
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PUBLIC NOTICE

Federal Communications Commission
445 Twelfth Street SW
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 28262

Broadcast Applications

6/17/2014

<u>STATE FILE NUMBER</u>	<u>E/P CALL LETTERS</u>	<u>APPLICANT AND LOCATION</u>	<u>NATURE OF APPLICATION</u>
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FM BOOSTER APPLICATIONS FOR MINOR CHANGE TO A LICENSED FACILITY ACCEPTED FOR FILING

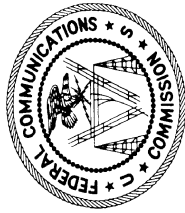
CA	BPFTB-20140612ACA	KISQ-FM2 59993 AMFM BROADCASTING LICENSES, LLC	Minor change in licensed facilities, call sign KISQ-FM2.
	E	98.1 MHZ	
		CA, PLEASANTON	

FM STATION APPLICATIONS FOR MINOR CHANGE TO A LICENSED FACILITY ACCEPTED FOR FILING

SD	BPH-20140609ABZ	KKSD 63598	THREE EAGLES OF JOLIET, INC.	Minor change in licensed facilities.
	E	104.3 MHZ	SD, MILBANK	

IN	BPED-20140612AAU	WMHD-FM 57684	ROSE-HULMAN INSTITUTE OF TECHNOLOGY	Minor change in licensed facilities.
	E	90.7 MHZ	IN, TERRE HAUTE	

MN	BPH-20140612ACX	KUSQ 48972	ABSOLUTE COMMUNICATIONS II, L.L.C.	Minor change in licensed facilities.
	E	95.1 MHZ	MN, WORTHINGTON	



PUBLIC NOTICE

Federal Communications Commission
445 Twelfth Street SW
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 28262

Broadcast Applications

6/17/2014

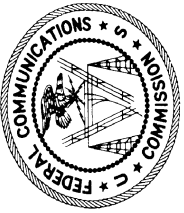
<u>STATE FILE NUMBER</u>	<u>E/P CALL LETTERS</u>	<u>APPLICANT AND LOCATION</u>	<u>NATURE OF APPLICATION</u>
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FM STATION APPLICATIONS FOR MINOR CHANGE TO A LICENSED FACILITY APPLICATION REINSTATED

GA	BPFT-20140129AGY	WLRR 53476 E 100.7 MHZ	STARSTATION RADIO, LLC. GA, MILLEDGEVILLE	Minor change in licensed facilities. Published in the Federal Register 3/26/2014 Informal Objection filed 05/27/2014 by SUSQUEHANNA RADIO CORP. Dismissed per applicant's request 6/12/2014 Informal Objection dismissed as moot 6/12/2014 (No letter sent)
				Dismissal rescinded per applicant's request 6/12/2014 Application returned to pending status 6/12/2014 Informal Objection reinstated 6/12/2014 (No letter sent)

FM TRANSLATOR APPLICATIONS FOR MINOR CHANGE TO A LICENSED FACILITY ACCEPTED FOR FILING

MI	BPFT-20140612ABG	W260AG 20617 E 99.9 MHZ	EDUCATIONAL MEDIA FOUNDATION MI, ISHPEMING	Minor change in licensed facilities, callsign W260AG.
MI	BPFT-20140612ABJ	W291CJ 20620 E 106.1 MHZ	EDUCATIONAL MEDIA FOUNDATION MI, MARQUETTE	Minor change in licensed facilities, callsign W291CJ.



PUBLIC NOTICE

Federal Communications Commission
445 Twelfth Street SW
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 28262

Broadcast Applications

6/17/2014

STATE FILE NUMBER E/P CALL LETTERS APPLICANT AND LOCATION N A T U R E O F A P P L I C A T I O N

FM TRANSLATOR APPLICATIONS FOR MINOR CHANGE TO A LICENSED FACILITY ACCEPTED FOR FILING

WI	BPFT-20140612ABY	W254AX 122217 WRVM, INC.	Minor change in licensed facilities, callsign W254AX.
	E 98.7 MHZ	WI, MERRILL	

FM TRANSLATOR APPLICATIONS FOR MINOR CHANGE TO A LICENSED FACILITY

IL	BPFT-20120413ACM	W277AQ 149355 WPEO RADIO FOUNDATION	Minor change in licensed facilities, callsign W277AQ.
	E 103.3 MHZ	IL, CANTON	Joint Informal Objection Filed 05/14/2012 by Nelson Broadcasting Inc & American Education Foundation Inc.
			Opposition Filed 05/25/2012 by WPEO RADIO FOUNDATION INC
			Joint Reply to OPP to Informal Objection Filed 06/11/2012 by Nelson Broadcasting Inc and Ame5rican Educational Foundation Inc
			Engineering Amendment filed 01/23/2014
			Informal Objection filed 06/12/2014 by AMERICAN EDUCATION FOUNDATION, INC.

LOW POWER FM APPLICATIONS FOR MINOR CHANGE TO A LICENSED FACILITY ACCEPTED FOR FILING

GA	BPL-20140612ADF	WPCG-LP 124395	CHEROKEE FM RADIO	Low Power FM minor change in licensed facilities.
	E	102.7 MHZ	GA, CANTON	



PUBLIC NOTICE

Federal Communications Commission
445 Twelfth Street SW
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 28262

Broadcast Applications

6/17/2014

<u>STATE FILE NUMBER</u>	<u>E/P CALL LETTERS</u>	<u>APPLICANT AND LOCATION</u>	<u>NATURE OF APPLICATION</u>
--------------------------	-------------------------	-------------------------------	------------------------------

FM STATION APPLICATIONS FOR MINOR MODIFICATION TO A CONSTRUCTION PERMIT ACCEPTED FOR FILING

SC	BMPH-20140611ADA	WLTE 170949 E 95.9 MHZ	GEORGIA-CAROLINA WIRELESS, LLC SC, PENDLETON	Mod of CP to chg
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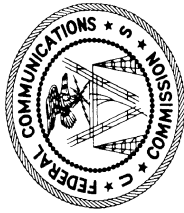
MA	BMPH-20140612ADD	WNNI 189578 E 98.9 MHZ	NEW ENGLAND PUBLIC RADIO FOUNDATION INC MA, ADAMS	Mod of CP to chg
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FM STATION APPLICATIONS FOR MODIFICATION OF LICENSE ACCEPTED FOR FILING

MN	BMLH-20140612ACV	KATO-FM 30120 E 93.1 MHZ	MINNESOTA VALLEY BROADCASTING MN, NEW ULM	License to modify.
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TV TRANSLATOR OR LPTV STATION APPLICATIONS FOR RENEWAL ACCEPTED FOR FILING

AZ	BRTTL-20140602AVE	KYPO-LP E 128985 CHAN-27	LMO CHRISTIAN MEDIA, INC. AZ, TACNA	Renewal of License.
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PUBLIC NOTICE

Federal Communications Commission
445 Twelfth Street SW
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News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 28262

Broadcast Applications

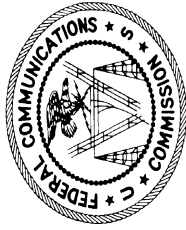
6/17/2014

<u>STATE FILE NUMBER</u>	<u>E/P CALL LETTERS</u>	<u>APPLICANT AND LOCATION</u>	<u>NATURE OF APPLICATION</u>
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TV TRANSLATOR OR LPTV STATION APPLICATIONS FOR RENEWAL ACCEPTED FOR FILING

TX	BRTTL-20140611ABI	KNUC-LP 16230 E CHAN-69 TX, MCALLEN	Renewal of License.
NV	BRTTL-20140611ADF	KVTE-LP 40207 E CHAN-35 NV, LAS VEGAS	Renewal of License.

Exhibit D



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Federal Communications Commission
445 Twelfth Street SW
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 48377

Broadcast Actions

12/2/2014

STATE FILE NUMBER

E/P CALL LETTERS

APPLICANT AND LOCATION

NATURE OF APPLICATION

Actions of: 11/25/2014

FM STATION APPLICATIONS FOR ASSIGNMENT OF LICENSE GRANTED

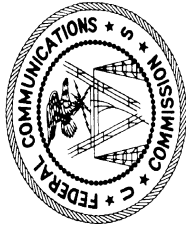
TX	BALH-20141107ADS	KAJP 164179	MBM RADIO DEL RIO LLC	
E	93.5 MHZ	TX ,	CARRIZO SPRINGS	Voluntary Assignment of License From: MBM RADIO DEL RIO LLC To: MBM RADIO LAREDO LLC Form 316

FM TRANSULATOR APPLICATIONS FOR ASSIGNMENT OF LICENSE GRANTED

GA	BALFT-20141008ABD	W233BF 146158	EDGEWATER BROADCASTING, INC.	
E	94.5 MHZ	GA ,	ATLANTA	Voluntary Assignment of License From: EDGEWATER BROADCASTING, INC. To: CORE COMMUNICATORS BROADCASTING, LLC Form 345

FM TRANSULATOR APPLICATIONS FOR ASSIGNMENT OF PERMIT GRANTED

VA	BAPFT-20140708ABM	W272DI 145165	COMMUNITY PUBLIC RADIO, INC.	
E	102.3 MHZ	VA ,	ROANOKE	Voluntary Assignment of Construction Permit, as amended From: COMMUNITY PUBLIC RADIO, INC To: WVJT, LLC Form 345 Granted with conditions.



PUBLIC NOTICE

Federal Communications Commission
445 Twelfth Street SW
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 48377

Broadcast Actions

<u>STATE FILE NUMBER</u>	<u>E/P</u>	<u>CALL LETTERS</u>	<u>APPLICANT AND LOCATION</u>	<u>NATURE OF APPLICATION</u>
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Actions of: 11/26/2014

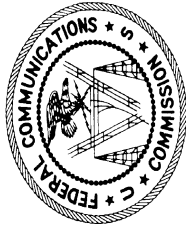
FM TRANSLATOR APPLICATIONS FOR LICENSE TO COVER DISMISSED

FL	BLFT-20140916ABE	E	W262CP 151587 99.9 MHZ	REACH COMMUNICATIONS. INC. FL , BAYONET POINT	License to cover. Complaint and Petition to Deny Filed 10/03/2014 by George S Flinn Jr Opposition Filed 10/14/2014 by Reach Communications, Inc Reply Filed 10/23/2014 by George S. Flinn Jr. Petition to Deny is dismissed as moot. No letter sent
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AM STATION APPLICATIONS FOR ASSIGNMENT OF LICENSE GRANTED

VA	BAL-20140611ACK		WNTX 65640	VA NEWSPAPER DEBTOR CO	Voluntary Assignment of License, as amended From: FREE LANCE-STAR PUBLISHING CO. OF FREDERICKSBURG, VA, D-IN-P To: FREE LANCE-STAR LICENSE, INC. Form 314
DE	BAL-20140926ADK		WJWK 4339	GREAT SCOTT BROADCASTING	Voluntary Assignment of License, as amended From: GREAT SCOTT BROADCASTING To: ADAMS RADIO OF DELMARVA PENINSULA, LLC Form 314

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PUBLIC NOTICE

Federal Communications Commission
445 Twelfth Street SW
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 48377

Broadcast Actions

12/2/2014

<u>STATE FILE NUMBER</u>	<u>E/P</u>	<u>CALL LETTERS</u>	<u>APPLICANT AND LOCATION</u>	<u>NATURE OF APPLICATION</u>
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Actions of: 11/26/2014

AM STATION APPLICATIONS FOR ASSIGNMENT OF LICENSE GRANTED

DE	BAL-20140926ADL	WJWL 25007	GREAT SCOTT BROADCASTING	Voluntary Assignment of License, as amended From: GREAT SCOTT BROADCASTING To: ADAMS RADIO OF DELMARVA PENINSULA, LLC Form 314
E	900 KHZ	DE ,	GEORGETOWN	

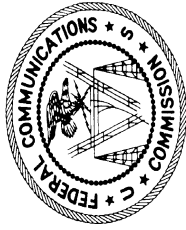
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AM STATION APPLICATIONS FOR MAJOR MODIFICATION TO A LICENSED FACILITY GRANTED

NY	BMJP-20140721ADC	WRCR 64556	ALEXANDER BROADCASTING, INC.	AM Auction 84 Major change in licensed facilities. Engineering Amendment filed 08/13/2014
E	1700 KHZ	NY ,	SPRING VALLEY	

AM STATION APPLICATIONS FOR MODIFICATION OF LICENSE GRANTED

VA	BML-20140903AHY	WCBX 18887	CALVARY CHAPEL OF TWIN FALLS, INC.	License to modify.
P	900 KHZ	VA ,	Bassett	



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Federal Communications Commission
445 Twelfth Street SW
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 48377

Broadcast Actions

12/2/2014

<u>STATE FILE NUMBER</u>	<u>E/P</u>	<u>CALL LETTERS</u>	<u>APPLICANT AND LOCATION</u>	<u>NATURE OF APPLICATION</u>
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Actions of: 11/26/2014

AM STATION APPLICATIONS FOR MODIFICATION OF LICENSE GRANTED

MT	BML-20141006ABW	KGHL 50354	KGHL RADIO, LLC	License to modify.
P		790 KHZ	MT, BILLINGS	

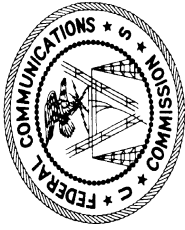
NE	BML-20141119AHR	KAMI 69845	COMMUNITY BROADCASTING, INC.	License to modify.
P		1580 KHZ	NE, COZAD	

AM STATION APPLICATIONS FOR TRANSFER OF CONTROL GRANTED

IL	BTC-20110523AFD	WBCP 71211	P & C ENTERPRISES, INC.	Involuntary Transfer of Control, as amended From: LONNIE E. CLARK, DECEASED To: JOAN CLARK, INDEP. ADMIN., ESTATE OF LONNIE E. CLARK Form 316
E		1580 KHZ	IL, URBANA	

AM STATION APPLICATIONS FOR DIRECT MEASUREMENT GRANTED

CA	BZ-20140729ADK	KTKZ 59599	NEW INSPIRATION BROADCASTING COMPANY, INC.	Direct Measurement
P		1380 KHZ	CA, SACRAMENTO	



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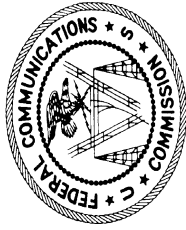
Federal Communications Commission
445 Twelfth Street SW
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 48377

Broadcast Actions

<u>STATE FILE NUMBER</u>	<u>E/P</u>	<u>CALL LETTERS</u>	<u>APPLICANT AND LOCATION</u>	<u>NATURE OF APPLICATION</u>
Actions of: 11/26/2014				
FM STATION APPLICATIONS FOR ASSIGNMENT OF LICENSE GRANTED				
VA BALH-20140611ACJ	E	WFLS-FM 65641 93.3 MHZ	VA NEWSPAPER DEBTOR CO VA , FREDERICKSBURG	Voluntary Assignment of License, as amended From: FREE LANCE-STAR PUBLISHING CO. OF FREDERICKSBURG, VA, D-IN-P To: FREE LANCE-STAR LICENSE, INC. Form 314
VA BALH-20140611ACL	E	WVBX 22484 99.3 MHZ	VA NEWSPAPER DEBTOR CO VA , SPOTSYLVANIA	Voluntary Assignment of License, as amended From: FREE LANCE-STAR PUBLISHING CO. OF FREDERICKSBURG, VA, D-IN-P To: FREE LANCE-STAR LICENSE, INC. Form 314
VA BALH-20140611ACM	E	WWUZ 55174 96.9 MHZ	VA NEWSPAPER DEBTOR CO VA , BOWLING GREEN	Voluntary Assignment of License, as amended From: FREE LANCE-STAR PUBLISHING CO. OF FREDERICKSBURG, VA, D-IN-P To: FREE LANCE-STAR LICENSE, INC. Form 314
TX BALED-20140910AAF	E	KRNZ 91220 88.1 MHZ	EDUCATIONAL MEDIA FOUNDATION TX , GONZALES	Voluntary Assignment of License From: EDUCATIONAL MEDIA FOUNDATION To: MARANATHA CHURCH OF LAREDO INCORPORATED Form 314



PUBLIC NOTICE

Federal Communications Commission
445 Twelfth Street SW
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 48377

Broadcast Actions

12/2/2014

<u>STATE FILE NUMBER</u>	<u>E/P</u>	<u>CALL LETTERS</u>	<u>APPLICANT AND LOCATION</u>	<u>NATURE OF APPLICATION</u>
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Actions of: 11/26/2014

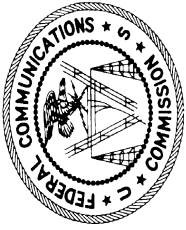
FM STATION APPLICATIONS FOR ASSIGNMENT OF LICENSE GRANTED

DE	BALH-20140926ADJ	WGBG 4340	GREAT SCOTT BROADCASTING	Voluntary Assignment of License, as amended
E	98.5 MHZ	DE ,	SEAFORD	From: GREAT SCOTT BROADCASTING
				To: ADAMS RADIO OF DELMARVA PENINSULA, LLC
				Form 314

GRANTED WITH CONDITION

DE	BALH-20140926ADM	WZBH 25003	GREAT SCOTT BROADCASTING	Voluntary Assignment of License, as amended
E	93.5 MHZ	DE ,	GEORGETOWN	From: GREAT SCOTT BROADCASTING
				To: ADAMS RADIO OF DELMARVA PENINSULA, LLC
				Form 314

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PUBLIC NOTICE

Federal Communications Commission
445 Twelfth Street SW
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 48377

Broadcast Actions

12/2/2014

<u>STATE FILE NUMBER</u>	<u>E/P</u>	<u>CALL LETTERS</u>	<u>APPLICANT AND LOCATION</u>	<u>NATURE OF APPLICATION</u>
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Actions of: 11/26/2014

FM STATION APPLICATIONS FOR ASSIGNMENT OF LICENSE GRANTED

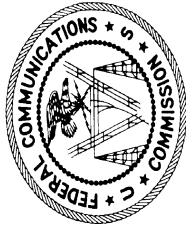
MD	BALH-20140926ADN	WKHI 4107	GREAT SCOTT BROADCASTING	Voluntary Assignment of License, as amended
	E	107.7 MHZ	MD , FRUITLAND	From: GREAT SCOTT BROADCASTING
				To: ADAMS RADIO OF DELMARVA PENINSULA, LLC
				Form 314

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MD	BALH-20140926ADO	WOCQ 47107	GREAT SCOTT BROADCASTING	Voluntary Assignment of License, as amended
	E	103.9 MHZ	MD , BERLIN	From: GREAT SCOTT BROADCASTING
				To: ADAMS RADIO OF DELMARVA PENINSULA, LLC
				Form 314

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TN	BALED-20140930AIT	WQOX 41147	MEMPHIS CITY SCHOOLS	Voluntary Assignment of License, as amended
	P	88.5 MHZ	TN , MEMPHIS	From: MEMPHIS CITY SCHOOLS
				To: SHELBY COUNTY SCHOOLS
				Form 314



PUBLIC NOTICE

Federal Communications Commission
445 Twelfth Street SW
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 48377

Broadcast Actions

12/2/2014

<u>STATE FILE NUMBER</u>	<u>E/P</u>	<u>CALL LETTERS</u>	<u>APPLICANT AND LOCATION</u>	<u>NATURE OF APPLICATION</u>
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Actions of: 11/26/2014

FM STATION APPLICATIONS FOR LICENSE TO COVER GRANTED

SC	BLED-20141121AJN	WEBK 175269	RICHBURG EDUCATIONAL BROADCASTERS, INC.	License to cover.
E		91.1 MHZ	SC, SOCIETY HILL	

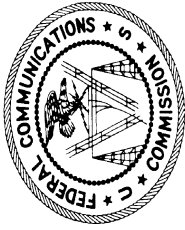
FM STATION APPLICATIONS FOR MODIFICATION OF LICENSE GRANTED

OR	BMLH-20141024ABI	KSHR-FM 13872	BICOASTAL MEDIA LICENSES III, LLC	License to modify.
E		97.3 MHZ	OR, COQUILLE	

MI	BMLH-20141105ACS	WSAE 61994	SPRING ARBOR UNIVERSITY	License to modify.
E		106.9 MHZ	MI, SPRING ARBOR	

FM STATION APPLICATIONS FOR MINOR CHANGE TO A LICENSED FACILITY GRANTED

GA	BPB-20140723AEB	WCON-FM 25814	HABERSHAM BROADCASTING CO.	Minor change in licensed facilities.
E		99.3 MHZ	GA, CORNELIA	Engineering Amendment filed 09/15/2014 Engineering Amendment filed 11/18/2014



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REPORT NO. 48377

Broadcast Actions

12/2/2014

<u>STATE FILE NUMBER</u>	<u>E/P</u>	<u>CALL LETTERS</u>	<u>APPLICANT AND LOCATION</u>	<u>NATURE OF APPLICATION</u>
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Actions of: 11/26/2014

FM STATION APPLICATIONS FOR MINOR CHANGE TO A LICENSED FACILITY GRANTED

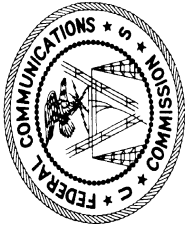
TN	BPH-20140723AEC	WNRX 18403	LAKEWAY BROADCASTING, LLC	Minor change in licensed facilities. Engineering Amendment filed 09/10/2014 Engineering Amendment filed 10/23/2014 Engineering Amendment filed 11/14/2014
E	99.3 MHZ	TN,	JEFFERSON CITY	

FM TRANSULATOR APPLICATIONS FOR ASSIGNMENT OF LICENSE GRANTED

VA	BALFT-20140611ACN	W243BS 142774	VA NEWSPAPER DEBTOR CO VA, FREDERICKSBURG	Voluntary Assignment of License, as amended From: FREE LANCE-STAR PUBLISHING CO. OF FREDERICKSBURG, VA, D-IN-P To: FREE LANCE-STAR LICENSE, INC. Form 314
E	96.5 MHZ			

DE	BALFT-20140926ADP	W242AV 146617	GREAT SCOTT BROADCASTING DE, SEAFORD	Voluntary Assignment of License, as amended From: GREAT SCOTT BROADCASTING To: ADAMS RADIO OF DELMARVA PENINSULA, LLC Form 314
E	96.3 MHZ			

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REPORT NO. 48377

Broadcast Actions

12/2/2014

STATE FILE NUMBER E/P CALL LETTERS APPLICANT AND LOCATION NATURE OF APPLICATION

Actions of: 11/26/2014

FM TRANSLATOR APPLICATIONS FOR ASSIGNMENT OF LICENSE GRANTED

DE	BALFT-20140926ADQ	E	W262BF 151579 100.3 MHZ	GREAT SCOTT BROADCASTING DE , GEORGETOWN	Voluntary Assignment of License, as amended From: GREAT SCOTT BROADCASTING To: ADAMS RADIO OF DELMARVA PENINSULA, LLC Form 314
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GRANTED WITH CONDITION

FM TRANSLATOR APPLICATIONS FOR ASSIGNMENT OF PERMIT GRANTED

TX	BAPFT-20140910AAL	E	K224EH 147995 92.7 MHZ	WENDOLYNN TELLEZ TX , VICTORIA	Voluntary Assignment of Construction Permit From: WENDOLYNN TELLEZ To: EDUCATIONAL MEDIA FOUNDATION Form 345
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GRANTED WITH CONDITIONS

FM TRANSLATOR APPLICATIONS FOR LICENSE TO COVER GRANTED

CO	BLFT-20141103AAA	E	K223CB 76196 92.5 MHZ	WAY MEDIA , INC. CO , COLORADO SPRINGS	License to cover.
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REPORT NO. 48377

Broadcast Actions

12/2/2014

<u>STATE FILE NUMBER</u>	<u>E/P</u>	<u>CALL LETTERS</u>	<u>APPLICANT AND LOCATION</u>	<u>NATURE OF APPLICATION</u>
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Actions of: 11/26/2014

FM TRANSLATOR APPLICATIONS FOR LICENSE TO COVER GRANTED

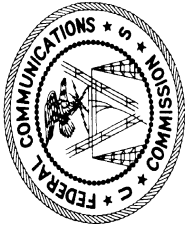
FL	BLFT-20141107AAW	W262CP 151587	REACH COMMUNICATIONS. INC.	License to cover.
E			FL, BAYONET POINT	
		100.3 MHZ		

FM TRANSLATOR APPLICATIONS FOR MINOR CHANGE TO A LICENSED FACILITY GRANTED

GA	BPFT-20141017ABR	W262CE 65945	TUGART PROPERTIES, LLC	Minor change in licensed facilities, callsign W262CE.
E		100.3 MHZ	GA, CLAYTON.	

OK	BPFT-20141020AAF	K206CA 89523	CREATIVE EDUCATIONAL MEDIA CORP., INC.	Minor change in licensed facilities, callsign K206CA.
E		89.1 MHZ	OK, ENID	

PA	BPFT-20141020AAH	W283BE 156961	GEOS COMMUNICATIONS	Minor change in licensed facilities, callsign W283BE.
E		104.5 MHZ	PA, SCRANTON	



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REPORT NO. 48377

Broadcast Actions

12/2/2014

<u>STATE FILE NUMBER</u>	<u>E/P</u>	<u>CALL LETTERS</u>	<u>APPLICANT AND LOCATION</u>	<u>NATURE OF APPLICATION</u>
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Actions of: 11/26/2014

FM TRANSLATOR APPLICATIONS FOR MINOR CHANGE TO A LICENSED FACILITY GRANTED

NM	BPFT-20141022ABQ	E	K242CQ 143508 96.3 MHZ	TAOS COMMUNICATION CORPORATION NM, EAGLE NEST	Minor change in licensed facilities, callsign K241BN.
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